

REMARKS

The method of the present application is now generically set forth in new claim 24. The claimed method achieves the physical elimination of textbooks by a user to perform homework assignments when the user is at a remote location from the user's school. The method comprises establishing a list of textbooks for each user for a given academic period. There is also established by a school or a school authorized entity a library database comprised of a plurality of textbook electronic publications which include the textbooks contained in the list of textbooks. A user profile is then established which includes at least one target textbook electronic publication corresponding to textbooks contained in a list of textbooks. There is also provided a means to modify the list of textbook electronic publication corresponding to any changes to the user profile during the academic period. The user is then prepared to request one or more desired textbook data units from one of the target electronic publications that is permitted within the user profile without the direct payment of a fee.

It should be understood at this point that the user is limited to a very finite group of textbooks which correspond to those textbooks that the user is qualified to receive during the specific academic period. The user cannot, under any circumstances, achieve access to the entire library database and all of the textbook electronic publications contained therein. Thus, the present method is a closed system specifically tailored to individual students who may be assigned, for example,

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ten textbooks for a given academic period. The user cannot obtain access to any of the other textbooks even if the student were willing to pay money for access.

It is also important to note that the user gains access to the library database without the user directly paying a fee for service. A cost of the system is undertaken by the school or school authorized entity. The user gains access to the system indirectly through payment of tuition or taxes to the local school district but does not engage in a pay for service fee every time he or she accesses the system.

The claims of the application (previous claims 1-23) stand rejected as unpatentable over Hartrick et al. in view of Howell et al. The rejection is hereby traversed and reconsideration is respectfully requested.

Hartrick et al. is directed to a royalty payment system (i.e. direct payment system) wherein the author or publisher of a soft copy book specifies the royalty amount he wants to be paid by user's who copy the book or portions of the book. As indicated at column 4, beginning at line 44, the publisher includes royalty payment information either within the structured document text of the book or a royalty payment information file.

The system of Hartrick et al. differs from the present invention in at least two material respects. First, the user must pay for each publication access. Thus, if the user wishes to copy a portion of the book "Moby Dick", the user will provide, for example, credit card information and payment through the credit card will be made

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for copying all of it or a portion of the designated book. In the present invention, the user does not directly pay for access to text information (i.e. there is no royalty fee or any other fee which must be paid before access).

In a second material difference between Hartrick et al. and the present invention, the Hartrick et al. user can gain access to any and all publications in the system so long as the user is willing to pay the requisite royalty. To the contrary, the present system is one based on severe restrictive use where the text information is limited to only those textbooks that the user employs in a given academic period (e.g. in a given course or in several courses within an academic period of time such as a semester or a school year).

Howell et al. is stated to teach a system for controlling group access to electronic objects in order to provide greater security on access to the library information. The reliance on Howell et al. is respectfully traversed.

As previously indicated, Hartrick et al. provides open access to the database providing that the royalty is paid. As long as a royalty is being paid, there is no need in Hartrick et al. to limit access by any user. Therefore, the incorporation of a Howell et al. system for limiting access to the database would not be combined with the Hartrick et al. system which has an entirely different purpose (i.e. global access upon payment of a royalty).

The only limitation to access in the Hartrick et al. system is the requirement of payment of a royalty. Even if Howell et al. were applied to limit access to the Hartrick et al. system by making sure that access could not be gained in the absence of payment of the royalty, the combination of these two references would not lead one of ordinary skill in the art to the claimed invention. This is because the present invention requires limited access and not direct payment in order to gain limited access to the text material. Therefore the combination of Hartrick et al. and Howell et al. would not lead one of ordinary skill in the art to the claimed invention.

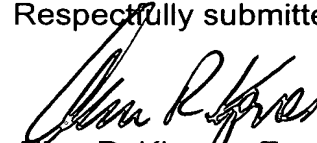
It is noted in the Office Action that the Examiner has taken official notice of certain alleged well known aspects of data systems. For example, the Examiner takes official notice that user profiles can contain personal, educational and financial information in order to provide a convenient information package for both the seller and the consumer. The Examiner further takes official notice that the use of time stamps is old and well known in order to protect electronic data. Applicant acknowledges that such information is well known. However, Applicant does not agree that those points of information that the Examiner has taken official notice in any way enables one of ordinary skill in the art to arrive at the claimed invention based on the prior art of record.

In view of the foregoing, Applicant submits that the present application is in condition for allowance and early passage to issue is therefore deemed proper and is respectfully requested.

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It is believed that no fee is due in connection with this matter. However, if any fee is due, it should be charged to Deposit Account No. 23-0510.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Allen R. Kipnes", written over the typed name.

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